

3. The clerk, who was in fear for her life, gave the suspect all of the money that was in the cash register. The defendant continued to yell at NR, telling her not to make a sound, while pointing a gun at her. The defendant took the money NR handed him and put it in his left front pocket. He put the firearm in his right front pocket as he exited the Subway Restaurant. The defendant was then observed getting into a gold colored car with "nice rims." The car pulled out of the subway parking lot, and stopped at the red light.

4. Another subway employee, was also working at the time of the robbery, called 911 and told the dispatcher about the robbery. The employee advised that the defendant had gotten into a gold colored car with nice rims, and that the car was stopped at a traffic light at the moment.

5. When the call for service was dispatched, a Colonial Heights police officer observed a vehicle matching the description of the suspect vehicle. As police got behind the vehicle on Temple Avenue, the Subway clerk told the 911 operator that a police car was now behind the car the defendant had gotten into.

6. The officer activated his emergency lights, but the vehicle failed to stop. After the officer activated the police siren, the suspect vehicle sped up to approximately 55 miles per hour and made an abrupt right turn onto Whitehill Court in Prince George County, Virginia. The suspect vehicle was driving 55 miles per hour in a 20 mile per hour zone. Prince George County police officers were, by this time, also in pursuit of the gold car. The suspect vehicle proceeded southbound, and then made a slight left turn into the Swader's Golf parking lot. The suspect vehicle's tires were screeching from the excessive speed at which it was being driven. The car continued driving until it came to the end of the parking lot, at which time the defendant, who

was in the passenger seat, and the driver, ran from the car. The defendant continued to run toward the golf driving range while the driver ran toward a wooded area. As officers gave chase, one officer, along with two civilian witnesses, observed the defendant throw a handgun to the ground. Shortly after throwing the handgun down, the defendant lay on the ground. He was placed under arrest by a Prince George County Police officer shortly thereafter.

7. The officers recovered a loaded Keltec, Model P-32 .32 caliber semi-automatic pistol bearing serial number 93450, loaded with 7 rounds of ammunition, from where the defendant had thrown it to the ground. This firearm was submitted to the Virginia Department of Forensic Science and it was found to be in mechanical operating condition with the safety feature functioning properly.

8. The parties stipulate and agree that the Keltec firearm is a firearm within the meaning of the law (Title 18, United States Code, Section 921(3)), in that it is designed to expel a projectile by means of an explosive. The parties also stipulate that the firearm was not manufactured in the Commonwealth of Virginia and as such, had traveled in interstate commerce.

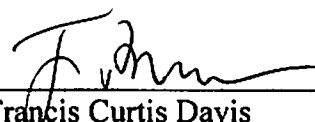
9. The parties further stipulate that the defendant is a convicted felon in that prior to July 30, 2010 he had been convicted of a crime punishable by a term of imprisonment exceeding one year (specifically, he has a federal felony conviction for committing a Hobbs Act Robbery in violation of Title 18, United States Code, Section 1951(a), and for Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of Title 18, United States Code, Section 924(c)), and DAVIS' right to possess a firearm or ammunition has not been restored.

10. The parties stipulate that The Subway Restaurant is a commercial entity, and as such, engages in business that affects interstate commerce.

11. The defendant, FRANCIS CURTIS DAVIS, did commit the acts set forth in Counts Three and Five of the pending Criminal Indictment, and he did so knowingly, intentionally, and unlawfully, without legal justification or excuse, and with the specific intent to do that which the law forbids, and not by mistake, accident or any other reason.


I have consulted with my attorney regarding this Statement of Facts. I knowingly and voluntarily agree that each of the above-recited facts is true and correct and that had this matter gone to trial the United States could have proven each one beyond a reasonable doubt.

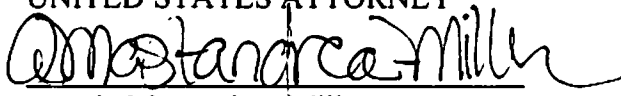
1/13/12
Date


Francis Curtis Davis
Defendant

I am counsel for defendant Francis Curtis Davis. I have carefully reviewed this Statement of Facts with him and, to my knowledge, his decision to agree to this Statement of Facts is an informed and voluntary decision.

1/13/12
Date


Michael B. Gunlicks, Esq.
Counsel for Defendant

NEIL H. MacBRIDE
UNITED STATES ATTORNEY
By: 
Angela Mastandrea-Miller
Assistant United States Attorney